

**TOWN OF HAMPDEN**  
Commonwealth of Massachusetts

County of Hampden

Town of Hampden

TO: Either of the Constables of the said Town of Hampden in said County:

Greeting: In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Hampden qualified to vote in Town Affairs, to meet at ***Bethlehem Church, 123 Allen Street***, Hampden, on Monday, May 13, 2019 at seven o'clock in the evening, then and there to act on the following articles:

**Article 1. TOWN REPORTS**

To hear the Annual Town Reports of all officers of the Town and any committee whose duty it may be to report at said meeting, and act thereon, or take any other action relative thereto.

**Article 2. BUDGET**

To see if the Town will vote to fix the salary and compensation of all elective officers of the Town as provided for by Section 108 of Chapter 41, General Laws and to raise and appropriate the necessary sums to cover same, and to raise money and make appropriations to defray the expenses of the Town for the period July 1, 2019 to June 30, 2020, or take any other action relative thereto.

*Explanation: This article presents the Advisory Committee's recommendations for appropriations to fund the FY 2020 budget.*

**Article 3. PREVIOUS BILLS**

To see if the Town will vote to authorize the payment of any departmental bills of Fiscal Year 2018 or previous years, and will vote to raise and appropriate a sum of money therefor, or take any other action relative thereto.

*Explanation: Occasionally bills are remitted for expenses incurred in prior fiscal years. There are no bills requiring action this year.*

**Article 4. FISCAL YEAR 2020 SPENDING LIMITS FOR REVOLVING FUNDS**

To see if the Town will vote to authorize the following total expenditures for each of the following revolving funds pursuant to G.L. c44 Section 53E ½ for the fiscal year beginning July 1, 2020 to be expended in accordance with the bylaws heretofore approved, or take any other action relative thereto.

<b><u>FUND</u></b>	<b><u>Approved Total Expenditures</u></b>
Building Department Fund	\$ 85,000
Board of Health Fund	\$ 20,000
Cemetery Commission Fund	\$ 25,000
Council on Aging Fund	\$ 21,000
Library Fund	\$ 3,000
Conservation Commission Fund	\$ 2,600
Planning Board Fund	\$ 10,000

*Explanation: State law allows certain departments to set up accounts to collect and disburse fee revenues, and requires that Annual Town Meeting approve these accounts each year.*

**Article 5. ENTERPRISE FUND TRANSFER STATION**

To see if the Town will vote to appropriate a sum of money from anticipated transfer station revenues and/or raise and appropriate from available funds for the purpose of funding the Transfer Station Enterprise Fund for Fiscal Year 2020, or take any other action relative thereto.

*Explanation: The operation of the transfer station and recycling center through an Enterprise Fund requires a budget to be voted annually at the Town Meeting. This year has a request for \$10,000*

**Article 6. COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to appropriate or reserve from the Community Preservation Annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2020 with each item to be considered a separate appropriation, or take any other action relative thereto.

- a) To see if the Town will vote to raise, borrow and/or appropriate a sum of money for the acquisition by purchase of a parcel known as **West Brook Phase II** consisting of 23.45 +/- acres owned by Russell and Laura J. Morton as described on Assessors Map18, Parcel 001- 002, to be managed and controlled by the Conservation Commission of the Town of Hampden in accordance with Chapter 40, Section 8C for Conservation and passive recreation purposes and to meet said appropriation with funds transferred and or borrowed in accordance with MGL Chapter 293, the *Community Preservation Act*, and to authorize the Treasurer with the approval of the Board of Selectmen to issue any bonds and or notes that may be necessary for that purpose, as authorized by M.G.L. Chapter 44 , or any other enabling authority, and that the Board of Selectmen be authorized to file on behalf of the Town of Hampden *any and all applications deemed necessary under the LAND grant program or any other applications for funds* in any way connected with the scope of this acquisition and the Select Board and the Conservation Commission be authorized as they deem appropriate to enter into all agreements and execute any and all instruments including the conveyance of a perpetual Conservation Restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B or Chapter 293 Section 10 of the Acts of 1998 as amended, as may be necessary of behalf of the Town of Hampden to affect said purchase. Said Conservation Restriction may be granted to the Minnechaug Land Trust or any other organization qualified and willing to hold such a Restriction, or to take any other action relative thereto.
- b) To see if the Town will vote to appropriate or reserve from the Community Preservation annual revenues in the amount recommended by the Community Preservation Committee for the repair and restoration of the Prospect Hill Cemetery fence, or take any other action relative thereto.
- c) To see if the Town will vote to appropriate or reserve from the Community Preservation annual revenues in the amount recommended by the Community Preservation Committee for the annual dues to the Community Preservation Coalition, or take any other action relative thereto.

*Explanation: In 2001 the town voted by ballot to accept the Community Preservation Act (CPA). The CPA provides funding through a property tax surcharge and state contribution toward projects related to open space preservation, historic preservation and affordable housing. The act provided for establishment of a local Community Preservation Committee to review projects and recommend utilization of CPA receipts to Town Meeting. This article addresses the committee's report and asks Town Meeting to act on it, including appropriations recommended by the committee.*

**Article 7. CONSERVATION FUND**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the Conservation Fund, said fund to be used for the purpose of acquiring available land for the Town for conservation purposes, if said purchase is voted upon and approved at an Annual or Special Town Meeting prior to such purchase, or take any other action relative thereto.

Explanation: The article is self explanatory. \$1000 is being requested.

**Article 8. HIGHWAY STATE AID**

To see if the Town will vote to accept a sum of money from the Commonwealth of Massachusetts under the provisions of local aid fund distribution, in accordance with Chapter 90 Section 34 of the MGL's and the Transportation Department's Chapter 90 Guidelines and be allowed to borrow in anticipation of reimbursement, or take any other action relative thereto.

Explanation: The article is self explanatory.

**Article 9. HIGHWAY TRUCK REPLACEMENT**

To see if the Town will vote to authorize the Treasurer to borrow a sum of money to replace the 1996 Mack Dump Truck with plow and sander, or take any other action relative thereto.

Explanation: The article is self explanatory. (\$248,000)

**Article 10. HIGHWAY BUILDING ADDITION**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to build an addition onto the existing Highway Garage, or take any other action relative thereto.

Explanation: The newer highway trucks will not fit in the bays that the older trucks did. A three bay addition and building upgrade is proposed (\$300,000)

**Article 11. LIBRARY ADDITIONAL STATE AID**

To see if the Town will vote that in Fiscal Year 2020, if State aid for the Library is received, this money will be made available for Library Trustees to use at their discretion, or take any other action relative thereto.

Explanation: Town Meeting approval is required to permit the Library Trustees to accept State Aid for the Library use.

**Article 12. ASSESSORS**

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of money into the Assessors' Stabilization Fund, to meet all Department of Revenue mandated requirements, or take any other action relative thereto.

Explanation: In 2006, the Town established a Stabilization Account specifically for the Assessors revaluation and field list expenditures. (\$14,000)

**Article 13. ASSESSORS**

To see if the Town will transfer from the Assessor's Stabilization Fund a sum of money for the FY2020 Department of Revenue mandated programs, or take any other action relative thereto.

**Article 14. CAPITAL IMPROVEMENT PLANNING COMMITTEE BYLAW**

To see if the Town will vote to amend the Town General Bylaws by adding the following chapter, **Chapter XVI – Capital Improvement Planning Committee Bylaw**, or take any other action relative thereto.

**Section 1.** The Board of Selectmen shall establish and appoint a committee to be known as the Capital Improvement Planning Committee, composed of one member of the Board of Selectmen, one member of the Advisory Committee, one member of the Planning Board and three residents of the town appointed by the moderator. The Treasurer, Town Accountant, Town Administrator and Principal Assessor shall be ex officio committee members without the right to vote. The committee shall choose its own officers.

**Section 2.** The committee shall study proposed capital projects and improvements involving major, nonrecurring, tangible projects and assets which: 1) are purchase or undertaken at intervals of not less than five years; 2) have a useful life of at least five years, and 3) cost over \$25,000. All officers, boards, and committees, including the Board of Selectmen shall, by January 30 of each year, give to the committee, on forms prepared by it, information concerning all anticipated projects requiring town meeting action during the ensuing five years. The committee shall consider the relative need, impact, timing and cost of these expenditures and the effect that each will have on the town's financial position. No appropriation shall be voted for a capital improvement requested by a department, board, or commission unless the proposed capital improvement is considered in the committee's report or the committee shall first have submitted a report to the Board of Selectmen explaining the omission.

**Section 3.** The committee shall prepare an annual report recombining a capital improvement budget for the next fiscal year and a capital improvement program with recommended capital improvements for the following four fiscal years. The report shall be submitted to the Board of Selectmen for its consideration and approval. The board shall submit its approved capital budget to the annual town meeting for adoption by the town.

**Section 4.** Such capital improvement program after its adoption, shall permit the expenditure on projects included therein of sums from department budgets for surveys, architectural or engineering advice, options, or appraisals. No such expenditure shall be incurred on projects that have not been so approved by the town through the appropriation of sums in the current year or in prior years or for preliminary planning for projects to be undertaken more than five years in the future.

**Section 5.** The committee's report and the Selectmen's recommended capital budget shall be published and made available on the Town website. The committee shall deposit its original report with the Town Clerk.

*Explanation:* *This article is self explanatory*

**Article 15. DEMOLITION DELAY BYLAW FOR STRUCTURES OF HISTORICAL OR ARCHITECTURAL SIGNIFICANCE**

To see if the Town will vote to amend the Town General Bylaws by adding the following chapter, **Chapter XVI – Demolition Delay**, or take any other action relative thereto.

**SECTION 1. Purpose**

The Purpose of this bylaw is to preserve and protect significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the Town. Through this bylaw, owners of preferably preserved buildings are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings and residents of the Town are alerted to impending demolitions of significant buildings. By preserving and protecting significant buildings, streetscapes and neighborhoods, this bylaw promotes the public welfare by making the Town a more attractive and desirable place in which to live and work. To achieve these purposes the Hampden Historical

Commission is authorized to advise the Building Commissioner with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this bylaw.

## **SECTION 2. Definitions**

The following definitions describe the meaning of the terms used in this bylaw:

**APPLICANT** – Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

**APPLICATION** – An application for the demolition of a building.

**BUILDING** – Any material or combination of materials forming a shelter for persons, animals, or property.

**BUILDING COMMISSIONER** – The person occupying the office of Building Commissioner or otherwise authorized to issue demolition permits.

**COMMISSION** – Hampden Historical Commission

**DEMOLITION** – Any act of pulling down, destroying, removing, dismantling or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

**DEMOLITION PERMIT** – The building permit issued by the Building Commissioner for a demolition of a building, excluding a building permit issued solely for the demolition of the interior of a building.

**PREFERABLY PRESERVED** – Any significant building which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to the six-month demolition delay period of this bylaw.

**SIGNIFICANT BUILDING** – Any building in Hampden which is in whole or in part fifty years or older and which has been determined by the Commission to be significant based on any of the following criteria:

- The building is listed on, or is within an area listed on the National Register of historic places; or
- The building has been found eligible for the National Register of Historic Places; or
- The building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the town of Hampden or the Commonwealth of Massachusetts; or
- The building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

A Hampden Historic Properties Survey listing all significant buildings for the purposes of this bylaw shall be available at the Public Library, offices of the Building Commissioner and the Historical Commission.

## **SECTION 3. Procedure**

3.1 No demolition permit of a significant building shall be issued except as provided by this bylaw.

3.2 Every applicant proposing to demolish a building subject to this bylaw shall file with the Building Commissioner an application containing the following information:

- The address of the building to be demolished.
- The owner's name, address and telephone number.
- A description of the building.
- The reason for requesting a demolition permit.
- A brief description of the proposed reuse, reconstruction or replacement.

- A photograph or photographs of the building.
  - Owner's or owner's power of attorney signature
- 3.3 The Building Commissioner shall within seven (7) days forward a copy of the application to the Hampden Historical Commission. The Commission shall within fifteen (15) days after receipt of the application, make a written determination of whether the building is significant.
- 3.4 Upon determination that the building is not significant, the Commission shall so notify the Building Commissioner and applicant in writing. The Building Commissioner may then issue the demolition permit.
- 3.5 Upon determination by the Commission that the building is significant, the Commission shall so notify the Building Commissioner and the applicant in writing. No demolition permit may be issued at this time. If the Commission does not notify the Building Commissioner within fifteen (15) days of receipt of the application, the Building Commissioner may proceed to issue the demolition permit.
- 3.6 If the Commission finds that the building is significant, it shall hold a public hearing within thirty-five (35) days of the written notification to the Building Commissioner. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in the Town House for a period of not less than seven (7) days prior to the date of said hearing and the applicant shall be notified by certified mail and the Building Commissioner and abutters shall be notified by mail and the meeting time and place shall be published once in a local newspaper. The Commission may conduct a site visit prior to the hearing.
- 3.7 The Commission shall decide at the public hearing or within fourteen (14) days after the the public hearing whether the building should be preferably preserved. If agreed to in writing by the applicant, the determination of the Commission may be postponed.
- 3.8 If the Commission determines that the building is not preferably preserved, the Commission shall so notify the Building Commissioner and applicant in writing. The Building Commissioner may then issue a demolition permit.
- 3.9 If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Commissioner and applicant in writing. No demolition permit may then be issued for a period of six (6) months from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Commissioner in writing within twenty one (21) days of the public hearing, the Building Commissioner may, subject to the requirements of State Building Code and any other applicable laws, bylaws, rules and regulations, issue a demolition permit.
- 3.10 Upon a determination by the Commission that any building which is the subject of an application is a preferably preserved building, no building permit for demolition or new construction or alterations on the premises shall be issued for a period of six (6) months from the date of the determination unless otherwise agreed to by the Commission. After the expiration of the six-month period from the date of the determination that the building is preferably preserved the Building Commissioner may issue a demolition permit.
- 3.11 The Building Commissioner may issue a demolition permit or a building permit for a preferably preserved building within the six (6) months if the Commission notifies the Building Commissioner in writing that the Commission finds that the intent and purpose of this bylaw is served even with the issuance of the demolition of the demolition permit or the building permit.

#### **SECTION 4. Administration**

- 4.1 The Commission may from time to time update its survey of significant buildings subject to this law and provide the Building Commissioner with an updated copy.
- 4.2 The Commission may adopt such rules and regulations as are necessary to administer the terms of this bylaw.
- 4.3 The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this bylaw.

#### **SECTION 5. Emergency Demolition**

- 5.1 If after an inspection, the Building Commissioner find that a building subject to this bylaw is found to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building, then the Building Commissioner may issue an emergency demolition permit to the owner of the building.
- 5.2 The Building Commissioner shall then prepare a brief report explaining the condition of the building and the basis for his decision which shall be forwarded to the Commission.

#### **SECTION 6. Enforcement and Remedies**

- 6.1 The Commission and/or the Building Commissioner are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof.
- 6.2 Any owner of a building subject to this bylaw that demolished a building or buildings without first obtaining a demolition permit in accordance with the provisions of this bylaw shall be subject to a fine of not more than three hundred dollars (\$300.00). Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is completed or unless otherwise agreed to by the Commission.

All buildings subject to this bylaw are listed in the Hampden Historic Properties Survey available at the Public Library, offices of the Building Commissioner and Historical Commission.

- 6.3 If a building subject to this bylaw is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two (2) years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership.

#### **SECTION 7. Severability**

If any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect to the extent that the overall purposes of this article can still be met.

*Explanation: This article was proposed by the Historical Commission. Acceptance of this article would create a six (6) month delay before demolition of historic buildings could occur.*

#### **Article 16. FIRE HOUSE ASSESSMENT AND FEASIBILITY STUDY**

To see if the Town will vote to raise and appropriate a sum of money to hire an architectural design consultant to draft comprehensive specifications for an addition to the existing Fire House on North Road, or take any other action relative thereto.

*Explanation: The current building will not fit two tankers. This will fund a review of the building for expansion for future needs (\$50,000). It is anticipated that an article for borrowing will be on the Fall Special Town Meeting warrant, as well as an article to purchase a new fire truck.*

**Article 17. POLICE/FIRE RADIO SYSTEM ASSESSMENT**

To see if the Town will vote to raise and appropriate a sum of money to hire a consultant to draft design specifications for a new radio system for the Police and Fire Departments, or take any other action relative thereto.

Explanation: *The Town wide public safety radio system is in need of replacement, and this will prepare the specifications for the bid (\$50,000). It is anticipated that an article for borrowing for the replacement will be on the Fall Special Town Meeting warrant.*

**Article 18. DISTRICT IMPROVEMENT FINANCING**

To see if the Town will vote to accept the "Allen Street/Wilbraham Road Improvement District" which will be located on Wilbraham Road in Hampden, MA from Somers Road north to the town line of Wilbraham, MA and easterly to the town line of East Longmeadow, south down Allen Street to the convergence of Allen Street, Wilbraham Road and Somers Road, or take any other action relative thereto.

Explanation: *Acceptance of this article identifies the geographical location of the Allen Street/Wilbraham Road Improvement District. District Map attached as Exhibit A.*

**Article 19. SENIOR CENTER FEASIBILITY STUDY FOR EXPANSION**

To see if the Town will vote to raise and appropriate a sum of money for a feasibility study for the expansion of the Senior Center, or take any other action relative thereto.

Explanation: *The COA Director has asked for a study to look into potential expansion of the Senior Center. (\$25,000)*

**Article 20. MRF (Multi-Re-Use Facility) COMMUNITY AGREEMENT**

To see if the Town will vote to authorize the Board of Selectmen to enter into a ten (10) year contract with the option for a five (5) year extension, commencing on July 1, 2020 with the qualified vendor selected by MassDEP through a competitive bid process for recycling processing services for the Town, subject to the Board of Selectmen's determination that the contract is in the best interests of the Town and subject to Town Meeting approval in the Spring 2020 for funding for these services and/or take any other action relative thereto.

Explanation: *The recycling contract for the transfer station needs to be reauthorized.*

**Article 21. SCHOOL RESOURCE OFFICER**

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of money to fund the School Resource Officer for FY19 at Minnechaug Regional High School, or take any other action relative thereto.

Explanation: *For the School Year ending in June 2019, a Wilbraham Police Officer has served as a School Resource Officer at Minnechaug Regional. This article appropriates money to pay for Hampden's share of his salary for the time at Minnechaug ONLY. (\$11,164)*

**Article 22. RESERVE FUND**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the Reserve Fund, or take any other action relative thereto.

Explanation: *Under State law, the Town is allowed to maintain a Reserve Fund to meet "unforeseen and extraordinary" costs that arise during the year. The Advisory Committee must approve transfers from the Reserve Fund. (\$25,000)*



**Article 23. GENERAL STABILIZATION FUND**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to the General Stabilization Fund, or take any other action relative thereto.

*Explanation: This article would appropriate money into the Stabilization Fund to help meet the town's reserve targets. Typically, this article is used during a Fall Special Town Meeting when the Town takes action on Unappropriated Available Funds (aka Free Cash).*

**Article 24. REDUCING TAX RATE**

To see if the Town will vote to transfer from the General Stabilization Fund a sum of money for the purpose of reducing the tax rate for Fiscal Year 2020, or take any other action relative thereto.

*Explanation: The article is self explanatory. Typically, reducing the tax rate is done during a Fall Special Town Meeting when the Town takes action on Unappropriated Available Funds (aka Free Cash).*

And you are further required to notify and warn the inhabitants of the Town of Hampden qualified to vote in elections of Town Officers to meet at the Hampden Town House, 625 Main Street, Hampden, on Monday, May 20, 2019 AD at seven o' clock in the forenoon, then and there to give in their votes on one ballot to the election officers of said Town for the following officers, to wit:

***To choose for the term of one year the following:***

*Town Moderator  
Hampden Wilbraham Regional School Committee member  
Park Commissioner*

***To choose for the term of three years the following:***

*Board of Selectmen  
Town Clerk  
Collector of Taxes  
Board of Assessors  
Hampden Library Trustee  
Constables (3)  
Cemetery Commissioner  
Park Commissioner*

***To choose for the term of five years the following:***

*Hampden Housing Authority  
Planning Board*

Also, to choose all other necessary Town Officers.

And you are directed to serve this Warrant by posting and attested copy thereof at each of the places designated by the Town. Hereof fail not, and make due return of this Warrant with your doings thereon, to the Town Clerk at or before the time of meeting aforesaid. Given under our hands this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Vincent J Villamaino

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John D Flynn

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Norman Charest

Board of Selectmen

I, Constable for the Town of Hampden, have on this date posted copies of the warrant for the Town Meeting to be held on May 13, 2019 at 7:00 pm in all places as designated by the Town of Hampden.

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Constable, Town of Hampden